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GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

ORDER

The 30th October, 2023

**Subject: Extension of the validity period of the Select List for the post of Junior Engineer (Civil)-2014.**

No.31650—GAD-FE-OSSC-0018/2022/Gen.—**WHEREAS**, the advertisement for filling up of 34 posts of Junior Engineer (Civil)-2014 under EIC (Public health) was issued by the Odisha Staff Selection Commission vide Advertisement No.2225/OSSC, dated the 4th August, 2014. As per terms of advertisement at Clause-5(d), the candidates having Diploma in Civil Engineering or an equivalent qualification from Institution recognized by SCTE &VT, Odisha were eligible to apply for the post. The recruitment process was completed by the Odisha Staff Selection Commission and select list was published vide Notification No.4053/OSSC, dated 14th December, 2016.

**AND, WHEREAS**, one non-selected candidate of I IR (PwD) category namely Sri Subhasis Parida filed O.A. No.4003(C)/2016 alleging his non-selection for the post J.E. (Civil). Sri Parida has passed diploma in Information Technology and B. Tech in Civil Engineering. He had prayed before Hon'ble OAT to consider Diploma in Information Technology as equivalent to Diploma in Civil Engineering and to consider his case for appointment of J.E. (Civil) under PwD category. Hon'ble OAT, Cuttack Bench, Cuttack vide Interim Order No.3, dated 3rd November, 2016 directed that:-

**“One post of Jr. Engineer (Civil) be kept vacant till filing of counter and its adjudication.”**

In obedience to the orders of Hon'ble OAT, the EIC(PH) vide their Letter No.7119, dated 6th May, 2017 requested the Commission for sponsoring 33 candidates instead of 34, keeping one post vacant as per the orders of Hon'ble OAT on dated 3rd November, 2016.

**AND, WHEREAS,** the petitioner Sri Subhasish Parida belongs to UR (PwD) Category, one post under UR (PwD) category was kept vacant. As a result, Sri Guru Govinda Samal bearing Roll No. 19158602534, being a UR (PwD) candidate and last candidate selected in the said category (at Sl. No.34) of the select list for the post of J.E(Civil) under EIC (PH) published vide Notification No.4053/OSSC, dated the 14th December,2016, was not sponsored to EIC (PH) by the OSSC.

**AND, WHEREAS,** in the meantime OAT was abolished and pending cases were transferred to Hon'ble High Court, Orissa, Hon'ble High Court vide their order No.1, dated the 17th August, 2022 in WPC (OAC) No.4003/2016 (in the matter of Subashis Parida-vrs-State of Odisha & Others) have disposed of the case with a direction that:-

***"Learned counsel for the petitioner states that by efflux of time, the writ petition has become infructuous. In view of the above submission, the writ petition stands disposed of as infructuous."***

**AND, WHEREAS,** Sri Guru Govinda Samal has been selected at Sl. No.34 under UR (PwD) category for the post of Junior Engineer (Civil) under E1C (PH) by Odisha Staff Selection Commission vide Notification No.4053/OSSC, dated the 14th December, 2016, he had filed writ petition W.P.(C) No.30568/2022 before the Hon'ble High Court and Hon'ble High Court vide order No.01 dated the 9th December, 2022 has disposed of the case with the following direction: -

***"In such view of the matter, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.3 (Secretary, OSSC) to consider the case of the Petitioner and in the event there is vacancy, the Petitioner be given appointment within a period of two weeks from the date of production of certified copy of this order. The Petitioner is directed to approach before the authority along with the certified copy of this order before the Authority concerned, the Authority shall act and take the decision as directed hereinabove."***

**AND, WHEREAS,** Secretary, OSSC had requested to extend the validity period of the Select List published vide Notification No.4053/OSSC dated 14th December, 2016 for which the views of the Law Department was taken.

**AND, WHEREAS,** the views of Law Department is that:- ***"the matter was finally settled when the writ petition of Subhasish Parida was dismissed being infructuous. There is no fault/mistake with the petitioner Guru Govinda Santa' for expiry of the period of one year as required under Rule-15 of Staff Selection Commission Rules, 1993."***

***Therefore, the Government have to take a decision forexercising its discretion by recording the aforesaid reasons to relax the requirements under Rule-15(3) of Rules, 1993.***

***Law Department further noticed that the Office of EIC (Public Health), Odisha, Bhubaneswar have passed an Office Order No. 10227 dated 7th July,2017 in which it has been specifically reflected that "the provisional appointment order issued in favour of 33 Diploma Engineers (Civil) in the post of Junior Engineers (PH) on contractual basis vide this Office Order No.741, dated15th May,2017 is hereby withdrawn subject to final decision of Hon'ble High Court, Odisha in WP(C) No.8877 of 2017.***

***Thus, the above Office Order indicates that the 33 Diploma Engineers were issued appointment orders au dated the 15th May,2017 and that appointment orders were withdrawn because of pendency of WP(C) No.8877 / 2017. The file submitted to this Department is totally silent with regard to the present status of the WP(C) No.8877 /2017".***

**AND, WHEREAS,** Secretary, OSSC had requested to furnish the present status of 33 Diploma Engineers (Civil) in the post of Junior Engineers (PH) sponsored by the OSSC, after the final decision of the Hon'ble High Court in W.P.(C) No.8877/2017 vide this Department Letter No.9968/Gen., dated the 6th April,2023.

**AND, WHEREAS,** in the meanwhile the petitioner Sri Guru GovindaSamal filed a **Contempt Petition bearing CONTC No.5907 of 2023** for noncompliance of the Order No.01, dated the 9th December,2022 of the Hon'ble High Court arising out of W.P.(C) No.30568/2022.

**AND, WHEREAS,** this Department had requested to H & UD Department to furnish the status of 33 Diploma Engineers (Civil) candidates in the post of Junior Engineers (PH) as well as the present status of W.P.(C) No.8877/2017 in order to comply the observations of Law Department.

**AND, WHEREAS,** H & UD Department submitted their views that 32 Diploma Engineers (Civil) persons are now continuing under the PH Cadre out of the 33 list of JEs given appointment.

**AND, WHEREAS,** views of the Law Department was again obtained. The Law Department has advised **to comply the order dated 9th December,2022 passed in W.P.(C) No.30568/2022 provided there is no any other legal impediments.**

**AND, WHEREAS,** Hon'ble High Court has disposed of the Contempt Case CONTC No. 5907 of 2023 passing an order dated 17th August, 2023 that:-

***"this Court by providing a last chance, deems it proper to dispose of the Contempt Petition with a direction to the Opposite Party- Contemnor to comply with the direction of this Court dated 9th December, 2022 passed by this Court in W.P. (C) No. 30568 of 2022, if the same has not been complied with in the mean time within a period of two months from the date of service of a certified copy of this order by the Petitioner."***

**AND, WHEREAS,** as the issue involves service matter, so views of the Service Condition Branch was obtained. Service Condition Branch has also advised to obtain Government orders for revival of select list as per provisions of rule 17 of the OSSC Rules, 1993 :-

***"Where the Government are opinion that it is necessary to expedient to do so, they may by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons in public interest."***

**NOW, THEREFORE,** after careful consideration, Government have been pleased to relax the provisions of sub-rule (3) of rule-15 of Odisha Staff Selection Commission Rules, 1993 by invoking the powers conferred under rule-17 of the said Rules to extend the validity period of the Select List published by the Odisha Staff Selection Commission vide Notification No.4053/OSSC, dated 14th December, 2016 till **30th November, 2023.**

**ORDER-** Ordered that this order shall be published in the Extraordinary issue of the *Odisha Gazette* for general information.

By Order of the Governor

DEBABRATA MALLICK

Additional Secretary to Government